

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

3 UNITED STATES OF AMERICA) 4:14-CR-45
4 v.) August 25, 2014
5 LOVICK HALDON STIKELEATHER)

BEFORE THE HONORABLE REED C. O'CONNOR
United States District Judge
In Fort Worth, Texas

FOR THE GOVERNMENT:

MR. SHAWN SMITH
US Attorney's Office
801 Cherry St
Burnett Plaza Ste 1700 Unit #4
Fort Worth, TX 76102-6882
817/252-5200
Fax: 817-252-5455

FOR THE DEFENDANT:

MS. ERIN LEIGH BRENNAN
Federal Public Defender
819 Taylor Street
Fort Worth, TX 76102
817/978-2753
Fax: 817/978-2757
erin.brennan@fd.org

COURT REPORTER:

MR. DENVER B. RODEN, RMR
United States Court Reporter
1050 Lake Carolyn Pkwy #2338
Irving, Texas 75039
drodenr@sbcbglobal.net
Phone: (214) 753-2298

The above styled and numbered cause was reported by computerized stenography and produced by computer.

1 (August 25, 2014.)

2 **THE COURT:** Mr. Stikeleather, would you go with the
3 marshal, please.

4 Okay. This is case number 4:14-CR-045. Mr. Smith,
5 are you here?

6 **MR. SMITH:** Yes, Your Honor.

7 **THE COURT:** For the Government?

8 **MR. SMITH:** Yes, Your Honor.

9 **THE COURT:** And -- I know you are here. But are you
10 here for the Government. And, Ms. Brennan, are you ready to
11 proceed?

12 **MS. BRENNAN:** Yes, Your Honor.

13 **THE COURT:** Sir, would you please state your full
14 name for the record?

15 **THE DEFENDANT:** Lovick Haldon Stikeleather.

16 **THE COURT:** Thank you, sir. We are here for purposes
17 of your sentencing.

18 Ms. Brennan, did you and your client receive in a
19 timely manner a copy of the Presentence Investigation Report
20 and the Addendum?

21 **MS. BRENNAN:** We did, Your Honor.

22 **THE COURT:** Did you carefully review those documents
23 with your client?

24 **MS. BRENNAN:** I did.

25 **THE COURT:** Did the Government receive these

1 documents timely?

2 **MR. SMITH:** Yes, Your Honor.

3 **THE COURT:** All right. Are there any objections that
4 we need to take up, Ms. Brennan?

5 **MS. BRENNAN:** No, Your Honor. I believe my
6 objections I stated in my motion for downward departure.

7 **THE COURT:** Yes. Okay. Very good. Then I will
8 adopt the fact findings contained in the Presentence Report
9 and the Addendum. I will adopt the probation officer's
10 conclusions as to the appropriate Guideline calculations or
11 determination and determine that it is as follows:

12 The total offense level is 31.

13 The Criminal History Category is VI.

14 The imprisonment range is 188 to 235 months.

15 The supervised release range is 3 years.

16 The fine range is \$15,000 to 1 million dollars.

17 There's a 3582 agreement in this case. Ms. Brennan,
18 did you go over that with your client?

19 **MS. BRENNAN:** I did, Your Honor.

20 **THE COURT:** Now, sir, do you understand that if I
21 provide you a reduced guideline calculation based upon the
22 Sentencing Commission's work today, when they make it
23 effective in the future you will not be able to seek a further
24 reduction because you will have received that benefit today.

25 **THE DEFENDANT:** Yes, sir.

1 **THE COURT:** Do you want me to honor that agreement?

2 **THE DEFENDANT:** Yes, sir. Please.

3 **THE COURT:** All right. So I will do that then.

4 In -- we will make note of that in the judgment.

5 In addition, the Government has filed a motion at ECF
6 No. 29. I will grant that for the reasons stated in that
7 document.

8 Okay. Does the Government wish to be heard on
9 sentencing?

10 **MR. SMITH:** No, Your Honor.

11 **THE COURT:** Okay. Ms. Brennan, I will now turn the
12 floor over to you.

13 **MS. BRENNAN:** Thank you, Your Honor.

14 **THE COURT:** And I have read the character letters in
15 addition to what you've submitted. I've read those as well.

16 **MS. BRENNAN:** Okay. Thank you. I did want to point
17 the Court's attention to the character letters. First of all,
18 Deanna Garrett, who is Mr. Stikeleather's girlfriend is
19 present today and I believe she would like to address the
20 Court, if that's okay.

21 **THE COURT:** Okay. Mr. Stikeleather, if you will go
22 with the marshal, please. Ma'am, would you raise your hand
23 and be sworn.

24 (Witness sworn by the clerk at this time.)

25 **THE COURT:** Would you tell me your name, please.

1 **THE DEFENDANT:** My name is Deanna Garrett.

2 **THE COURT:** Okay, ma'am. I would be pleased to hear
3 from you.

4 **THE DEFENDANT:** Your Honor, thank you for letting me
5 speak. I know that the courts only have a small -- I'm sorry.
6 A small window to look into his life. All the Court sees are
7 the things maybe that he's done. I see the person that he is.
8 He's got a good heart. He loves his children. I would give
9 anything for him to be home sooner so that we can have our
10 lives together with our children and raise our family
11 together.

12 He is remorseful. I know this. We have been working
13 the twelve step program. I'm an assimilation coach for
14 Celebrate Recovery. I have been now for almost two years now.
15 We have been working that program together through mail and
16 talking on the phone while he's been in there. He started
17 even since he's been in there I've seen certain things,
18 changes, the way he talks, the way he thinks, the way he has
19 accepted responsibility and understands what he has done is
20 wrong and I don't think it's just because he got caught. He
21 doesn't want that kind of life.

22 I'm just asking the Court to have leniency on him so
23 he can live out the change that he has sooner than later.

24 **THE COURT:** Thank you, ma'am.

25 **THE WITNESS:** Thank you.

1 **MS. BRENNAN:** Your Honor, I think that a common
2 thread among the letters that I submitted on behalf of
3 Mr. Stikeleather is that he is a loving, caring, and giving
4 person who loves his kids, loves his family, his parents, his
5 siblings, his ex-wife, did love and loves his girlfriend now.

6 I also submitted a letter from Mr. Stikeleather and I
7 think that it's clear from that letter that we're not dealing
8 with an uneducated person. He graduated high school. He got
9 his commercial driver's license and drove a truck for five
10 years. He worked in computer graphic design. He built
11 houses. Around 2004/2005 is when Mr. Strikeleather's marriage
12 began falling apart and that's when we see the pattern of
13 criminal activity and when he started using methamphetamine.

14 I think his Criminal History Category is lengthy and
15 less than impressive, but I think it's important to note that
16 he hasn't been conducting this behavior all of his life. He
17 didn't committing criminal offense until he was roughly
18 twenty-five years which is also around the time when his
19 marriage was falling apart and when he began using
20 methamphetamine.

21 I've had many conversations with Mr. Stikeleather and
22 I know that he did not handle his marriage falling apart very
23 well. And I'm not making excuses for his behavior but I think
24 it is because he does love other people on so deeply and he is
25 willing to do anything for them and I think that the spur of

1 the -- a period of criminal activity for him which I think
2 he's now finished with. And I point this out just because I
3 think that it shows that he has the ability to change, that he
4 has not been this person all his life, and I believe that he
5 will.

6 As Ms. Garrett just said, she told me also they have
7 been doing the twelve step program while he has been
8 incarcerated.

9 I also would like the Court to know that he has been
10 working while he has been in FCI Fort Worth for Cow Circles B
11 and I feel that Mr. Stikeleather can come back into this
12 community and be a productive member of society and I think
13 that he will do that.

14 And so I would just ask the Court to consider my
15 issues presented and my motion for downward departure and
16 Mr. Stikeleather also would like the Court to recommend the
17 Drug Treatment Program for him. He would like to overcome his
18 methamphetamine addiction.

19 And also, if the Court could recommend he be placed
20 in El Reno, Oklahoma. His brother lives there and he would
21 like to be closer to his brother and also just to get out of
22 the Texas area.

23 **THE COURT:** Okay. Thank you, Ms. Brennan.

24 **MS. BRENNAN:** Thank you.

25 **THE COURT:** Sir, do you wish to speak on your behalf

1 or present information in mitigation of your sentence?

2 **THE DEFENDANT:** Yes, sir.

3 **THE COURT:** I would be pleased to hear from you.

4 **THE DEFENDANT:** Your Honor, I admit I've had some
5 pretty bad behavior, unacceptable. I take full responsibility
6 for it. Like my lawyer said, I went through a tough divorce
7 in 2005. I took it pretty hard. I'm not trying to place
8 blame on anyone else except myself and my behavior. I want to
9 apologize to you, the Government, the community, mostly to my
10 family.

11 Your Honor, I ain't asking for forgiveness now, I'm
12 just asking for understanding and your favor in my sentence
13 and I apologize.

14 Thank you.

15 **THE COURT:** Thank you, sir. I will now state the
16 sentence determined pursuant to 18 U.S.C. 3553 treating the
17 Sentencing Guidelines as advisory only.

18 In arriving at a reasonable sentence I have taken
19 into account primarily the conduct admitted in the Factual
20 Resume as well as those matters required to be considered by
21 3553.

22 Pursuant to the Government's motion, it is the
23 judgment of the Court that the defendant is committed to the
24 custody of the Federal Bureau of Prisons for a period of 120
25 months.

1 This sentence shall run concurrent with the case
2 pending in the 396th District Court of Tarrant County under
3 case No. 1351037-D.

4 I do not order a fine.

5 Upon your release from prison you are placed on
6 supervised release for a term of 3 years.

7 It is further ordered upon your release from prison
8 that you comply with the standard conditions contained in this
9 judgment as well as the mandatory and special conditions
10 stated herein.

11 Ms. Brennan have you gone over with your client these
12 conditions?

13 **MS. BRENNAN:** I have, Your Honor.

14 **THE COURT:** Do you understand the conditions that
15 have been imposed on you during your term of supervised
16 release, Mr. Stikeleather?

17 **THE DEFENDANT:** Yes, sir.

18 **THE COURT:** Do you have any questions at all about
19 any aspect of any of these conditions?

20 **THE DEFENDANT:** No, sir.

21 **THE COURT:** Then I will order these conditions to be
22 imposed.

23 I will also order as part of your sentence that you
24 pay a mandatory special assessment of \$100.

25 I believe this is the appropriate sentence, given all

1 of the facts and circumstances and that it is sufficient, but
2 not greater than necessary to comply with the statutory
3 purposes of sentencing.

4 Is there any objection from the Government?

5 MR. SMITH: No, Your Honor.

6 THE COURT: Ms. Brennan?

7 MS. BRENNAN: No, Your Honor.

8 THE COURT: Then I'll order this sentence imposed as
9 stated. Brennan, if you would have your client sign those
10 conditions and file those on the docket, please.

11 MS. BRENNAN: Yes, sir.

12 THE COURT: Now, sir, to the extent you are
13 dissatisfied with this sentence you also have the right to
14 appeal the sentence and you have the right to apply for leave
15 to appeal in forma pauperis if you decide to appeal and you
16 are unable to pay the costs of an appeal and if you -- if you
17 decide to appeal your notice must be filed within 14 days.

18 Please talk to Ms. Brennan about your appellate
19 rights.

20 Is there anything else we should take up?

21 MR. SMITH: No, Your Honor.

22 THE COURT: I will recommend that you be placed in
23 El Reno, if possible, and that you be eligible -- that you be
24 able to participate in the Drug Abuse Treatment Program if you
25 are eligible.

1 Anything else, Ms. Brennan?

2 **MS. BRENNAN:** No, Your Honor.

3 **THE COURT:** Thank you. Then we are in recess on this
4 case. Thank you all for being here. Good luck to you, sir.

5 **THE DEFENDANT:** Thank you, Your Honor.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 I, **DENVER B. RODEN**, United States Court Reporter for the
2 United States District Court in and for the Northern District
3 of Texas, Dallas Division, hereby certify that the above and
4 foregoing contains a true and correct transcription of the
5 proceedings in the above entitled and numbered cause.

6 **WITNESS MY HAND** on this 29th day of April, 2015.

7

8

9

/s/ Denver B. Roden

10 **DENVER B. RODEN, RMR**
11 *United States Court Reporter*
12 1050 Lake Carolyn Parkway #2338
13 Irving, Texas 75039
14 *drodenermr@sbcglobal.net*
15 Phone: (214) 753-2298

16

17

18

19

20

21

22

23

24

25